

Remarks

Claims 34 and 37-39 are pending the application.

Claims 34 and 37 have been amended. Support for the claim amendment can be found throughout the application, including the claims as originally filed. Importantly, no new matter has been added to the claims. The amendments to the claims should not be construed to be an acquiescence to any of the rejections. The amendments to the claims are being made solely to expedite the prosecution of the above-identified application. The Applicant reserves the right to further prosecute the same or similar claims in subsequent patent applications claiming the benefit of priority to the instant application. 35 USC § 120.

Response to Rejections under 35 U.S.C. 102(b)

Singleton

Claims 34, 37, and 38 stand rejected under 35 U.S.C. 102(b) based on the Examiner's contention that they are anticipated by Singleton (U.S. Patent No. 3,959,206). The Applicants respectfully traverse this rejection.

Claims 34, 37, and 38 are not anticipated by Singleton because Singleton discloses coatings comprising *salts* of alkyl aryl sulfonates and sulfates, and not coatings of *neutral* sulfates as claimed.

In order to anticipate a claim, a single source must contain all of the elements of the claim. See *Atlas Powder Co. v. E.I. du Pont De Nemours & Co.*, 750 F.2d 1569 (Fed. Cir. 1984).

Singleton discloses coatings comprising “[i]onics of the alkyl aryl sulfates and sulfonates, typically as the sodium or potassium salts, thereof...” See column 2, lines 56-58. The present claims do not claim coatings comprising salts of sulfates but rather coatings comprising neutral sulfates. This was done purposefully because salts of the sulfates of the present claims do not work in a coating. They leech out of the coating too quickly and are lost, allowing fouling agents to then form on the supposedly protected surface. Because Singleton does not disclose coatings comprising neutral sulfates, the Applicants submit that Singleton does not disclose each and every element of the claims as amended, and therefore does not anticipate claims 34, 37, and 38.

The Applicants also respectfully submit that it would not have been obvious from a fair reading of Singleton to prepare a coating comprising neutral sulfates. Singleton employs the ionic sulfates and sulfonates as wetting agents. Wetting agents are compounds that decrease the surface tension between components of different polarity thus allowing better mixing and more stable and even distribution. They comprise a polar end and a non-polar end. In the wetting agents disclosed in the sealant coatings of Singleton, the polar end is the ionic (charged) end and the non-polar end is the alkyl aryl end. It would not have been obvious to one of ordinary skill in the art to use a neutral compound when a wetting agent is taught, because the purpose of a wetting agent teaches away from using a neutral compound. Because Singleton does not disclose coatings comprising neutral sulfates, the Applicants submit that Singleton does not disclose each and every element of the claims as amended, and therefore does not anticipate claims 34, 37, and 38.

Accordingly, the Applicants respectfully request the withdrawal of the 35 U.S.C. 102(b) rejection of claims 34, 37, and 38 over Singleton.

Tokuda

Claims 34 and 39 stand rejected under 35 U.S.C. 102(b) based on the Examiner's contention that they are anticipated by Tokuda (U.S. Patent No. 4,222,910). The Applicants respectfully traverse this rejection.

Tokuda does not anticipate claims 34 and 39 because Tokuda does not disclose the neutral aromatic sulfate compound containing coatings of the present invention.

In order to anticipate a claim, a single source must contain all of the elements of the claim. *See Atlas Powder Co. v. E.I. du Pont De Nemours & Co.*, 750 F.2d 1569 (Fed. Cir. 1984).

Tokuda discloses a polycarbonate fire retardant composition comprising metal salts of sulfuric esters of an alcohol comprising 1 to 30 carbon atoms, and not the neutral aromatic sulfate containing coatings of the present invention. See column 1, lines 56-65. As discussed previously, the present claims do not claim coatings comprising salts of sulfates because salts of the sulfates of the present claims do not work in a coating. They leech out of the coating too quickly and are lost, allowing fouling agents to then form on the supposedly protected surface. Because Tokuda does not disclose coatings comprising neutral sulfates, the Applicants submit

that Takuda does not disclose each and every element of the claims as amended, and therefore does not anticipate claims 34 and 39.

The Applicants also respectfully submit that it would not have been obvious from a fair reading of Tokuda to prepare a coating comprising neutral sulfates because as taught by Tokuda it is the salt property that gives the polycarbonate its fire retardant properties. See column 1, lines 23-47, and column 2, lines 55-64. Therefore, there is no motivation in Tokuda to replace the salts with neutral compounds.

Accordingly, the Applicants respectfully request the withdrawal of the 35 U.S.C. 102(b) rejection of claims 34 and 39 over Tokuda.

Fees

The Applicants believe no fee is due in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any required fee to our Deposit Account, **06-1448**.

Conclusion

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Agent would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

Respectfully submitted,
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